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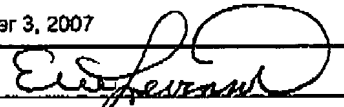

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 10305US02	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. (571) 273-8300 on <u>October 3, 2007</u> Signature <u></u> Typed or printed name <u>Eric D. Levinson</u>		Application Number 10/822,884	Filed 04/13/2004
		First Named Inventor Yung Yip	
		Art Unit 2182	Examiner Tanh Q Nguyen
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input checked="" type="checkbox"/> attorney or agent of record. 35,814 Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u></u> Signature Eric D. Levinson Typed or printed name 651-704-3604 Telephone number October 3, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yung Yip et al.

Examiner: Thanh Q. Nguyen

Serial No.: 10/822,884

Group Art Unit: 2182

Filed: April 13, 2004

Docket No.: 10305US02

Due Date: October 3, 2007Title: STATIC DISSIPATIVE HOUSING FOR DATA CARTRIDGE CARRYING
NON-TAPE STORAGE MEDIUMCERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being transmitted by facsimile to the
Commissioner for Patents, Alexandria, VA 22313-1450 on Oct 3, 2007.By: 

Name: Eric D. Levinson

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Commissioner for Patents
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Alexandria, VA 22313-1450RECEIVED
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Dear Sir/Madam:

Please consider the following remarks during the Pre-Appeal Brief Conference. As these remarks outline a clear legal or factual deficiency in the rejections, Applicants submits that the Pre-Appeal Brief Request for Review is appropriate.

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Pre-Appeal Brief Request for Review

Applicant: Yung Yip et al.

Serial No.: 10/822,884

Filed: April 13, 2004

Docket No.: 10305US02

Title: STATIC DISSIPATIVE HOUSING FOR DATA CARTRIDGE CARRYING NON-TAPE
STORAGE MEDIUM**REMARKS****Claim Rejections under 35 U.S.C. § 103**

Claims 1-8 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albretch et al. US Publication No. 2002/0159182 in view of Waggoner et al. US Publication No. 2004/0113129 and "STAT: Guide To LNP's Line Of Thermoplastic Composites For Electrostatic Dissipation" (STAT).

Applicants respectfully traverse this rejection and submit that the Albretch, Waggoner, and STAT references, individually or in combination, do not disclose a data cartridge as claimed in independent claim 1 or independent claim 16 including a housing adapted to dissipate a static charge of the data cartridge.

The Examiner recognizes that the Albretch reference does not teach the housing being formed of materials having a surface resistivity in a range of 10^6 ohms/square to 10^{12} ohms/square (Final Office Action, page 5), and suggests that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use static dissipative materials with a surface resistivity in a range of 10^6 ohms/square to 10^{12} ohms/square for the housing (Final Office Action, page 6).

Applicants note that the Albretch reference discloses a data storage cartridge having a data storage device, such as an encased magnetic disk drive assembly, supported and mounted in a cartridge shell (see, e.g., Abstract; Figs. 3 and 4). The Albretch reference discloses that the data storage cartridge has a backing plate 70 electrically coupled to the data storage device by means of land 85 of flex cable 65, to a ground thereof, thereby forming an electrostatic discharge path from the data storage device to the backing plate and through the electrically semiconductive material to the alignment pins of the transfer station, which are electrically grounded (para. [0066]; see also Fig. 18). Thus, backing plate 70 of the data storage cartridge of the Albretch reference provides an electrostatic discharge path for the data storage cartridge.

As backing plate 70 of the data storage cartridge of the Albretch reference already provides an electrostatic discharge path, Applicants submit that forming the cartridge shell of the

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STORAGE MEDIUM

data storage cartridge of the Albretch reference of a static dissipative material would not have been obvious for at least the reason that the data storage cartridge of the Albretch reference already includes an electrostatic discharge path.

In addition, the Albretch reference provides that backing plate 70 is formed of a semiconductive plastic material having electrical resistivity whereby, in one example, the material has sufficient embedded carbon to provide the electrical resistivity, comprising 10%-30% carbon filled plastic (para. [0066]). In one specific example, the Albretch reference provides that the material is a carbon filled plastic comprising a 20% carbon filled polycarbonate, called "Stat-Kon DC-1004-FR" (para. [0066]).

Thus, the inventors of the Albretch reference full aware of the Stat-Kon line of materials, chose not to form the cartridge shell of the data storage cartridge of a Stat-Kon material and chose only to form backing plate 70 of a Stat-Kon material. Since the inventors of the Albretch reference, full aware of the Stat-Kon line of materials, chose not to form the cartridge shell of the data storage cartridge of a Stat-Kon material, Applicants submit that the Albretch reference actually teaches away from forming the cartridge shell of a static dissipative material. A *prima facie* case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997). Thus, Applicants submit that forming the cartridge shell of the data storage cartridge of the Albretch reference of a static dissipative material would not have been obvious.

In view of the above, Applicants submit that independent claims 1 and 16, and the dependent claims depending therefrom, are each patentably distinct from the Albretch, Waggoner, and STAT references and, therefore, are each in a condition for allowance. Applicants, therefore, respectfully request that the rejection of claims 1-8 and 16-20 under 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 1-8 and 16-20 be allowed.

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Title: STATIC DISSIPATIVE HOUSING FOR DATA CARTRIDGE CARRYING NON-TAPE
STORAGE MEDIUM**CONCLUSION**

In view of the above, Applicants respectfully submit that pending claims 1-8 and 16-20 recite patentable subject matter, are in form for allowance, and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-8 and 16-20 is respectfully requested.

The Examiner is invited to telephone the Applicants' representative at the below-listed number to facilitate prosecution of this application.

Respectfully submitted,

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